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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,244	03/09/2005	Ludwig Schieferstein	C 2714 PCT/US	2856

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COGNIS CORPORATION
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EXAMINER	
KHAN, AMINA S	
ART UNIT	**PAPER NUMBER**
1751	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/527,244	SCHIEFERSTEIN ET AL.	
	Examiner	Art Unit	
	Amina Khan	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the amendment filed on March 23, 2006.

2. Claims 14-33 are pending. Claims 1-13 have been cancelled. Claim 20 has been amended.

Oath/Declaration

3. The oath submitted to the office is not in English. The applicant is again requested to submit an English version of the oath.

Specification

4. The submission of the abstract of the disclosure dated March 9, 2005 is acknowledged.

Claim Rejections - 35 USC § 112

5. The rejection of claim 20 under 35 U.S.C. 112, second paragraph is withdrawn in view of applicant's amendment.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 14-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Maekawa et al. (EP 1,146,103 A1).

The prior art of Maekawa et al. teaches water and oil repellant aqueous dispersions (page 1, abstract) comprising fluoropolymers of formula 1 (page 4, paragraphs 0017-0045), polymerizable monomers of alkyl(meth)acrylates having C_{1-20} alkyl groups (page 4, paragraph 0023), for example methyl methacrylate, octadecyl methacrylate, and 2-ethylhexylmethacrylate (page 5, paragraph 0024), nonionic surfactants such as fatty acid esters of polyethylene glycol (page 8, paragraph 0060), and aqueous solvents such as propylene glycol (page 9, paragraph 0071-0076). Maekawa further teaches that the polymers comprise 20-99% fluoropolymers of formula 1 and 1-50% of the polymerizable monomers of alkyl(meth)acrylates having C_{1-20} alkyl groups (page 5, paragraph 0034). Maekawa further teaches that surfactants comprise 1-10% based on the weight of the polymer (page 9, paragraph 0069), the solvent comprises 2-50% based on the weight of the polymer (page 9, paragraph 0076), and the aqueous medium is 1 to 5 times the mass of the polymer (page 9, paragraph 0076). Maekawa further teaches the treatment of textiles made of natural or synthetic fibers with the aqueous dispersion (page 10, paragraphs 0084-0085).

Accordingly, the teachings of Maekawa et al. anticipate the limitations of the instant claims.

Response to Arguments

8. Applicant's arguments filed March 23, 2006 have been fully considered but they are not persuasive.

With respect to the rejection based upon Maekawa et al., applicant argues that "the aqueous dispersion of the present invention is a mixture of two separate polymer dispersions". Applicant further argues "Maekawa et al. is directed to an aqueous dispersion of a single polymer which contains residues of at least two monomers".

The examiner respectfully disagrees with the above arguments because the polymer of Maekawa et al. comprising monomers of alkyl(meth)acrylates having $C_{1-20,}$ methyl methacrylate, octadecyl methacrylate, 2-ethylhexylmethacrylate and fluoropolymers of formula 1 read on the copolymers of the present composition claims. The present claims do not require that the copolymers are separate. The fact remains that the prior art teaches each of the components of the instantly claimed copolymers. The burden is on the applicant to prove that unexpected results would be obtained from 2 separate copolymers vs. a single polymer of Maekawa et al.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Amina Khan
Patent Examiner
May 30, 2006

LORNA M. DOUYON
PRIMARY EXAMINER